

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DONALD PORTER, Derivatively and)
on Behalf of GMX Resources, Inc.,)
)
Plaintiff,)

vs.)

1) KEN L. KENWORTHY, JR.,)
2) MICHAEL J. ROHLEDER,)
3) JAMES A. MERRILL,)
4) KEN L. KENWORTHY, SR.,)
5) T.J. BOISMIER,)
6) STEVEN CRAIG, and)
7) JON W. MCHUGH,)

Defendants.)

8) GMX RESOURCES INC.,)

Nominal Defendant.)

Case No. CIV-11-890-D

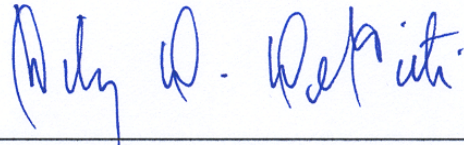
ORDER

Before the Court is the Agreed Motion to Stay Derivative Proceeding [Doc. No. 30] filed by Defendants. In the Motion, Defendants ask the Court to stay this action pending the resolution of certain motions filed in a related action pending before this Court, *Northumberland County Retirement System, et al. vs. GMX Resources, Inc., et al.*, Case No. CIV-11-520-D (the “Securities Lawsuit”). Defendants note that motions to dismiss have been filed in the Securities Lawsuit, and they represent that all parties agree this action should be temporarily stayed pending a ruling on such motions.

The deadline for objecting to Defendants' Motion has expired, and no objection has been filed. Accordingly, the Court finds that the Motion [Doc. No. 30] should be, and is hereby, GRANTED.

This action is temporarily stayed pending the ruling on the motions to dismiss filed in the Securities Lawsuit; the stay shall remain in effect until 21 days following the filing of the Court's Order(s) ruling on those motions. Pursuant to Defendants' representation in the Motion, the parties have agreed that, during the period of this stay, Plaintiff Donald Porter will be entitled to receive any discovery produced by Defendants in the Securities Lawsuit, whether formally or informally, and Plaintiff will be allowed to participate in any mediation that takes place while this action is stayed.

IT IS SO ORDERED this 14th day of December, 2011.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE